

REMARKS

By the present amendment, claims 40-50 are pending in the application.

Claims 40, 41 and 42 are the independent claims.

The present amendment in this Request For Continued Examination (RCE) cancels all prior claims and replaces them with a new set of claims to avoid any possible confusion with respect to the claims pending in this Request For Continued Examination (RCE).

Support For Claims

Claims 40-46

New claims 40-46 are the same as prior pending claims 15 and 29-34.

Claim 47

New dependent claim 47 corresponds to prior dependent claim 35 with the dependency of this prior dependent claim 35 (now dependent claim 47) changed from independent claim 30 (now independent claim 42) to independent claim 15 (new independent claim 40). The wording of prior dependent claim 35 (new dependent claim 47) has been revised to conform it to the wording of prior independent claim 15 (now independent claim 40).

Note that independent claim 40 recites “reacting an alcohol in the presence of an alkali metal-type catalyst other than an alkali metal alkoxide, and/or an alkaline earth metal-type catalyst, ...”.

In dependent claim 47, the hydrogenolysis catalyst is a solid catalyst, and on the solid catalyst, the alkali metal-type catalyst other than an alkali metal alkoxide or the

alkaline earth metal-type catalyst is supported. Thus, dependent claim 47 is meaningful to the embodiment where the first reaction for the formation of an intermediate of formic ester ($R-OH + CO \rightarrow HCOOR$) and the second reaction for the formation of the final product of methanol ($HCOOR + 2H_2 \rightarrow CH_3OH + R-OH$) proceed at the same reaction site.

In prior independent claim 30 (now independent claim 42), however, unlike prior independent claim 15 (now independent claim 40), in which the first and second reactions occur at the same reaction site, the formic ester from the first reaction is separated from the catalyst prior to the reaction for the formation of methanol product.

Consequently, dependent claim 47 is changed to be dependent on claim 40 rather than claim 42.

Claims 48-50

New dependent claims 48-50 are the same as prior pending dependent claims 36-38.

§102(b)

In the Office Action mailed September 24, 2004, claim 28 was rejected under 35 U.S.C. §102(b) as being anticipated by Kotowski et al. (PL 157499, abstract only).

By the present amendment, there is no pending claim corresponding to prior claim 28.

Therefore, this rejection under 35 U.S.C. §102(b) is now moot.

§112

In the Office Action mailed September 24, 2004, claim 39 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

By the present amendment, there is no pending claim corresponding to prior claim 39.

Therefore, this rejection under 35 U.S.C. §112, second paragraph, is now moot.

Allowable Subject Matter

The Office Action mailed September 24, 2004 advised that claims 15 and 29-38 were allowable.

Since claims 40-50 of the present amendment correspond to prior claims 15 and 29-38, it is submitted that new claims 40-50 are allowable.

Information Disclosure Statement

An Information Disclosure Statement accompanies this amendment and Request For Continued Examination (RCE).

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

KENYON & KENYON

By: 
John J. Kelly, Jr.
Reg. No. 29,182

Dated: June 23, 2005

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

1011364 v1